

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

Single Bench

W.P.NO. 8105/2005

PETITIONER

Dr. Tahir Hussain Jafari

S/o S. Dilshad Ali, Aged about
60 years, Principal in Govt.
Girls College Durg, District
Durg, R/o. Durg, District Durg
(C.G.)

P.R. No. 5438/05
Presented by (Signature)
dated 19/10/05

VERSUS

RESPONDENTS:

1.

State of Chhattisgarh

Through Secretary Department
of Higher Education, D.K.S.
Bhawan, Raipur (C.G.)



2.

Dr. N.P. Dixit

Professor, Govt. Science
College Durg, District Durg
(C.G.).

RECEIVED-COPY
19/10/05
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF
APPROPRIATE WRIT

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 5105/2005 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>24.10.2005</u> Shri Sudhir Verma, counsel for the petitioner. Shri Pankaj Shrivastava, Panel Lawyer for the State on advance copy. Heard. The petitioner, who is shown to be aged about 60 years and presently working as principal in Government Girls College, Durg, District Durg, has filed this writ petition challenging the validity of promotion and transfer order dated 14.10.2005 (Annexure-P/1). By this order, the petitioner has been promoted from the post of principal of graduate college to principal of post graduate college and sent from Durg to Korba. Learned counsel for the petitioner submits that the petitioner is suffering from bone cancer. He is undergoing regular treatment from B.S.R. Cancer Hospital, Bhilai Nagar, Bhilai. He submits that these facilities would not available to the petitioner if he will be sent to Korba. Learned counsel for the petitioner prays that for the present, this petition may be disposed of and he may be given an opportunity to file a detailed representation before the concerned authority and concerned authority may be directed to dispose of the representation within the stipulated period granted by this Court and in that period the transfer order of the petitioner may be stayed.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 5105/2005 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

देश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	This limited prayer made for filing of representation is not opposed by the State counsel. However, the State counsel opposes the prayer for grant of stay in that period. Considering the facts and circumstances of the case and particularly considering the circumstance that the petitioner is a patient of bone cancer, I am inclined to dispose of this writ petition with liberty in favour of the petitioner that if so advised, he may file a detailed representation along with the certified copy of this order and copy of the writ petition and other documents about his medical treatment, before the concerned authority within a period of 15 days from today and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a further period of 6 weeks, after 15 days and the result of the representation shall be communicated to the petitioner. In the meantime, it is hereby directed that if the petitioner has not been relieved till today i.e. 24.10.2005, he shall not be relieved for a further period of 2 months from today during which period the representation filed by the petitioner shall be disposed of. This order regarding stay of transfer shall automatically loose its efficacy after period of 2 months from today. Certified copy be delivered by tomorrow.	Sd/- Sunil Kumar Sinha Judge

Vath

24/10/05
13/1/06